

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD JEWELL, et al,

Plaintiff,

v.

ALBERTO GONZALEZ, et al,

Defendants.

C.A. 97-408 Erie

Judge McLaughlin
Magistrate Judge Baxter

DECLARATION OF JOHN P. MONTOYA

I hereby declare the following under the provisions of 28 U.S.C. Section 1746:

1. I will soon be a third year law student at the University of Pittsburgh and employed, on a part-time basis, as a law clerk in the office of attorney Jere Krakoff.
2. Mr. Krakoff asked me to locate R-rated films from available movie Internet websites that appeared to have significant merit from the standpoint of information and ideas or dramatic content (artistic) but did not appear to cast a positive light on criminal lifestyles, violent behavior, racist or misogynist stereotypes or beliefs, and the other factors listed in John M. Vanyur's declaration as being adverse to rehabilitation or negatively affecting prison security/institutional order.
3. Pursuant to that request, I identified movies by browsing through two website sources: The American Film Institute's top 100 lists selected by AFI's panel of over 1,500 film critics, historians, and others (www.afi.com); and the Internet Movie Database (IMDB) (www.imdb.com). In addition to those sources, I identified movies

from personal knowledge (i.e., movies I had seen.) and from movie titles brought to my attention by others in the office.

3. In the course of my website search, I reviewed descriptions of 571 R-rated movies out of a total of more than 11,000 R-rated movies listed on the websites and identified approximately 250 that seemed to be appropriate.

4. After that, I consulted the website of Swank Motion Pictures (www.swank.com), a distributor and public performance licensor of feature films which licenses video films for FCI McKean, in order to determine which of the 571 films were available from Swank in edited format. Approximately 500 of those films reviewed were not available from Swank in edited format.

5. I determined from Swank's online inventory of R-rated films that have been edited for use by correctional institutions (online.swank.com/insti/editedr.asp) that Swank's list of edited films consists of 454 former R-rated movies.

6. Attached is a list of 175 R-rated films that are not available (in edited format) from Swank. Also attached are printouts that contain a brief description of the listed movies.

Executed this 21st day of July, 2005.

/s/ John P. Montoya
John P. Montoya